

State of South Dakota

SEVENTY-SIXTH SESSION
LEGISLATIVE ASSEMBLY, 2001

925E0686

HOUSE BILL NO. 1210

Introduced by: Representatives Van Norman, Bradford, Elliott, and Valandra and Senator
Volesky

1 FOR AN ACT ENTITLED, An Act to provide for the appointment of delegates from state tribal
2 governments to the Legislature.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

4 Section 1. The tribal government of the Cheyenne River Sioux Tribe, Crow Creek Sioux
5 Tribe, Flandreau Santee Sioux Tribe, Lower Brule Sioux Tribe, Oglala Sioux Tribe, Sisseton-
6 Wahpeton Sioux Tribe, Rosebud Sioux Tribe, Standing Rock Sioux Tribe, and Yankton Sioux
7 Tribe may appoint an enrolled member of their tribe as a delegate to the South Dakota
8 Legislature. The member shall be at least twenty-one years of age, a resident of the state for a
9 minimum of two years, and a qualified voter of the state. The tribes shall appoint their delegate
10 to the Legislature at least sixty days prior to each regular session that begins in an odd-numbered
11 year and such delegate shall serve for a two-year term ending at noon on the second Tuesday in
12 January in each odd-numbered year. However, each delegate shall serve until their successor is
13 appointed and qualified. Any vacancy shall be filled by the original appointing tribe for the
14 remainder of the term.

15 Section 2. The tribal government of the Cheyenne River Sioux Tribe, Crow Creek Sioux

1 Tribe, and Flandreau Santee Sioux Tribe shall each appoint one delegate to the South Dakota
2 Senate and the tribal government of the Lower Brule Sioux Tribe, Oglala Sioux Tribe, Sisseton-
3 Wahpeton Sioux Tribe, Rosebud Sioux Tribe, Standing Rock Sioux Tribe, and Yankton Sioux
4 Tribe shall each appoint one delegate to the South Dakota House of Representatives for the
5 regular session that begins in January of 2003 and every six years thereafter.

6 Section 3. The tribal government of the Lower Brule Sioux Tribe, Oglala Sioux Tribe, and
7 Sisseton-Wahpeton Sioux Tribe shall each appoint one delegate to the South Dakota Senate and
8 the tribal government of the Cheyenne River Sioux Tribe, Crow Creek Sioux Tribe, Flandreau
9 Santee Sioux Tribe, Rosebud Sioux Tribe, Standing Rock Sioux Tribe, and Yankton Sioux Tribe
10 shall each appoint one delegate to the South Dakota House of Representatives for the regular
11 session that begins in January of 2005 and every six years thereafter.

12 Section 4. The tribal government of the Rosebud Sioux Tribe, Standing Rock Sioux Tribe,
13 and Yankton Sioux Tribe shall each appoint one delegate to the South Dakota Senate and the
14 tribal government of the Cheyenne River Sioux Tribe, Crow Creek Sioux Tribe, Flandreau
15 Santee Sioux Tribe, Lower Brule Sioux Tribe, Oglala Sioux Tribe, and Sisseton-Wahpeton Sioux
16 Tribe shall each appoint one delegate to the South Dakota House of Representatives for the
17 regular session that begins in January of 2007 and every six years thereafter.

18 Section 5. Each delegate appointed to the Legislature pursuant to this Act shall receive
19 reimbursement for expenses as provided in subdivisions 2-4-2(1), (2), and (3).

20 Section 6. Each delegate appointed to the Legislature pursuant to this Act shall serve as a
21 nonvoting delegate to the Legislature and be provided a seat on the floor and in committees.
22 Such delegates shall have floor and committee privileges and be allowed to participate in debate,
23 committee discussion, and questioning of witnesses on the same terms as members of the
24 Legislature. No such delegate is permitted to vote on or make any motion.

1 Section 7. No delegate appointed to the Legislature pursuant to this Act may introduce any
2 bill or resolution. However, a committee or a legislator may introduce a bill or resolution on the
3 delegate's behalf.

4 Section 8. No delegate appointed to the Legislature pursuant to this Act is liable in any civil
5 action or criminal prosecution for words spoken in debate.

6 Section 9. Each delegate appointed to the Legislature pursuant to this Act, in all cases except
7 treason, felony, or breach of the peace, is privileged from arrest during the session of the
8 Legislature.